

AMENDMENTS TO LB 552

(Amendments to E & R amendments, ER8146)

Introduced by White, 8.

1 1. Insert the following new sections:

2 Sec. 11. Section 81-2402, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 81-2402 As used in the Prompt Payment Act, unless the  
5 context otherwise requires:

6 (1) Agency shall mean the state and any agency,  
7 department, office, commission, board, panel, or division of the  
8 state. Agency shall include the University of Nebraska and the  
9 Nebraska state colleges;

10 (2) Bill shall mean a proper billing or invoice which  
11 requests a payment and which is supplemented by all necessary  
12 verification and forms required by agency rules and regulations to  
13 process payments;

14 (3) Creditor shall mean any person, corporation,  
15 association, or other business concern engaged in a trade or  
16 business, either on a for-profit or not-for-profit basis, and  
17 providing any goods or services to an agency;

18 (4) Good faith dispute shall mean:

19 (a) A contention by the agency that goods delivered or  
20 services rendered were of less quantity or quality than ordered or  
21 specified by contract, faulty, or installed improperly; or

22 (b) Any other reason giving cause for the withholding

1 of payment by the agency until the dispute is settled, except  
2 that failure to give notice as prescribed in section 81-2405 shall  
3 preclude an agency from claiming a good faith dispute in the case  
4 of a defective or improper billing;

5 (5) Goods shall mean any goods, supplies, materials,  
6 equipment, or other personal property but shall not mean any real  
7 property; and

8 (6) Services shall mean any contractual services,  
9 including, but not limited to, architectural, engineering,  
10 medical, financial consulting, or other professional services, any  
11 construction services, and any other personal services but shall  
12 not mean any services performed as an officer or employee of any  
13 agency.

14 Sec. 13. Original section 81-2402, Reissue Revised  
15 Statutes of Nebraska, is repealed.

16 2. On page 2, line 22; and page 4, line 3, strike  
17 "forty-five" and insert "thirty".

18 3. On page 7, line 1, strike "23, and 81" and insert "and  
19 23".

20 4. Renumber the remaining section accordingly.